

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
March 7, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese and Councilmembers Constant and Chirco
Liccardo arrived at 3:17 p.m.

ABSENT: Vice Mayor Cortese excused himself at 3:17 p.m.

STAFF: City Attorney Rick Doyle, Assistant City Clerk Christine Boland, City Manager Les White, Redevelopment Agency Executive Director Harry Mavrogenes, Redevelopment Agency Liaison Gary Miskimon, Agenda Services Manager Nadine Nader and Council Agenda Manager Alicia Bosco.

A. City Council

1. Review New Add Items to the March 13, 2007 Final Agenda

Action: The Committee approved the March 13, 2007 Council Agenda.

- There were no additional items to be added to the March 13, 2007 Council Agenda.
- Item 4.4 (Approval of Public Art Master Plan) to be heard no earlier than 3:00 p.m.
- Item 7.1 (Acceptance of the 2006 Annual Status Report on Cooperative efforts between the City and the Santa Clara Valley Water District) not to be heard earlier than 3:30 p.m.

2. Review March 20, 2007 Draft Agenda

Action: The Committee approved the following additions to the March 20, 2007 Council Agenda:

a. Mayor/Council Member Requests

- Presentation of a commendation to Joseph Golda. (Liccardo)
- Presentation of a commendation to the Independence High School ASB Cabinet. (Mayor) **TO BE HEARD IN THE EVENING**
- Request for an excused absence for Councilmember Constant. (Constant)
- Request for excused absences for Mayor Reed. (Mayor)
- Approval of Mayor Reed's Travel to Irvine, California. (Mayor)

- Item 4.2 (Approval of a construction loan for the West San Carlos Affordable Housing Project) and Item 5.2 (Approval of an agreement with the San José Unified School District related to sports field at Leland High School) did not make the early distribution for March 20, 2007.

b. Council Appointee Requests

- Acceptance of the Office of the City Auditor's Report. (City Auditor)
- Elections Commission Interviews. (City Clerk)

B. Redevelopment Agency

1. Review New Add Items to the March 13, 2007, Agenda

The Committee approved the March 13, 2007 agenda with the following change: Item 6.1 to read as follows: Award of a construction contract for HVAC and electrical upgrades at the Mexican Heritage Plaza and Gardens. Item was originally deferred to March 27, 2007 but is ready to be presented on March 20, 2007.

2. Review March 20, 2007 Draft Agenda

The Committee approved the March 20, 2007 agenda with the following exception: Staff report on BEA Systems Inc., relocation to downtown was distributed on March 6, 2007.

C. Legislative Update

1. State
None

2. Federal
None

D. Meeting Schedules
None

E. The Public Record

Documents Filed: Memorandum from the City Clerk dated March 2, 2007 transmitting the Public Record for the week of February 23-March 2, 2007.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees
None

G. Rules Committee Reviews, Recommendations and Approvals

1. Staff Analysis Conducted Regarding Proposed San José Human Rights Commission Resolution.

4. Human Rights Commission Resolution on Social Security Administration “No-Match” Letters Proposed Dept. of Homeland Security Regulation.

THESE ITEMS WERE TAKEN TOGETHER AS ONE

Documents Filed: (1) Memorandum from Vilcia Rodriguez, Senior Executive Analyst, and Arlene Gibbs, Deputy Director of Human Resources, dated March 2, 2007 recommending acceptance of staff analysis conducted regarding a proposed San José Human Rights Commission resolution “Opposing the Department of Homeland Security’s proposed rule on the use of the Social Security Administration ‘no-match’ letters to enforce immigration laws.” (2) Supplemental memorandum from Lee Price, City Clerk, dated March 2, 2007 with documents relating to the Commission’s deliberations on “No-Match” Letters Proposed Dept. of Homeland Security Regulation.

Action: The Committee accepted the staff’s report without further action on the resolution. The Committee directed staff to communicate to the Human Rights Commission by way of appreciation for bringing forward this issue and to share with all boards and commissions a copy of Council Policy 0-11 relative to the adoption of council resolutions.

2. Response to the Report of the Government Reforms and Ethics Subcommittee of the Mayor’s Transition Committee.

DEFERRED FROM FEBRUARY 28, 2007

Documents Filed: Memorandum from City Manager Les White and City Attorney Rick Doyle dated February 23, 2007 recommending: a) acceptance of the response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor’s Transition Committee; and b) provide direction on the recommended methodology to implement a pilot program for cost benefit analyses for projects, activities, and events seeking public funding.

Discussion: Mayor Reed suggested taking each recommendation one by one to identify those recommendations already in process, already acted on or already completed to discuss what is actually pending. City Attorney Doyle will return to the Rules and Open Government Committee on March 14, 2007 with supplemental information on Lobbyist Reform recommendations 1, 3, and 6. Vice Mayor Cortese requested staff create a matrix including timelines of which reforms and recommendations were referred where and when they might be coming back.

Regarding additional reforms, Chief Development Officer Paul Krutko spoke about a cost-benefit analysis model that could be functional without seeking a consultant on every analysis. He mentioned that there has been discussion by the Sunshine Reform Task Force in how to augment this and believes that a pilot program to test this approach could be implemented. Dan McFadden said that this is coming back to the Sunshine Reform Task Force on April 5, 2007 and a recommendation will come forward to Council as part of the first phase of the ordinance.

Public Comments: Ed Rast speaking for the Willow Glen Neighborhood Association; Jean Cohen, Director of Development and Communications at Sacred Heart Community Service; John Freeman, Luthern Pastor; Donna Fruda, member of PACT and Bob Brownstein, representing Working Partnerships, spoke regarding proposed changes to the Lobbyist Ordinance.

Ed Rast, Chair of the Sunshine Reform Task Force, and Bob Brownstein, Task Force Member reported that the Task Force would appreciate the opportunity to provide input to the Council on the cost-benefit analysis model proposed by staff.

Action: The Committee took the following actions:

Lobbyist Reforms

Recommendations 1, 3, 6 - deferred for one week.

Recommendation 2 - change to a 2 year standard and move forward to the full Council.

Recommendation 4 - already in the process, no further action needed.

Recommendation 5 - referred to both the City Attorney and the City Clerk.

Recommendation 7 - dropped.

Campaign Finance Reform Reed Reform #19 "Plug Loopholes..." will be kept on the list and will not be referred to the Elections Commission.

Global View

Recommendation 1 - processed, as currently in motion with general plan.

Recommendation 2 - study session has been scheduled for March 29, 2007 and staff will report back to the Rules and Open Government sometime in May.

Recommendations 3, 4, 5 - already in motion, no further action needed.

Additional Reforms

Recommendation 1 - in process, no further action needed.

Recommendation 3 - deferred until October.

3. **Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with the San José Police Officer's Association and International Association of fire Fighters Local 230.**

Action: The Committee deferred this item to March 14, 2007.

Councilmember Chirco suggested the committee have a discussion on how to go about placing a code of conduct for Public Speakers on the Council agenda as it relates to the conduct expected at a Council meeting. City Manager Les White said that this would be explored with the City Clerk and Police and General Services Departments.

H. Review of Council Committee Agendas

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, finance and Strategic Support Committee**

None

I. Open Government Initiatives

None

J. Open Forum

Bill Chew spoke o the Mayor's State of the City address and commented that San José is the greatest city in the world.

K. Adjournment

The meeting was adjourned at approximately 4:01 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee